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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,193	07/31/2003	Kyle McCain	PA1.668.FULL	9820
7590	10/20/2004		EXAMINER	
LAW OFFICE OF JOHN F. HALAMKA P.O. Box 207 PALOS VERDES ESTATES, CA 90274			KOCH, GEORGE R	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,193

Applicant(s)

MCCAIN, KYLE

Examiner

George R. Koch III

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:
 2. In Claim 1, line 8, it is unclear what step or action is performed by the phrase "outline the". It is suggested that applicant delete the phrase "outline the", insert --forming an outline of an--.
 3. In Claim 1, line 10, it is unclear what step or action is performed by the phrase "placement of". It is suggested that applicant delete the phrase "placement of the", insert --placing an--.
 4. Claim 1, line 13, it is unclear what step or action is performed by the phrase "placement of". It is suggested that applicant delete the phrase "placement of", insert --placing--.
 5. Claim 1, line 15, it is unclear what step or action is performed by the phrase "calculate the". It is suggested that applicant delete the phrase "calculate the", insert --calculating a--.
 6. Claim 1, line 19, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "outline", and insert --outlining--.
 7. Claim 1, line 32, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "apply", insert --applying--.

8. Claim 1, line 35, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "cut", insert --cutting--
9. Claim 1, line 37, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "calculate", insert --calculating--.
10. Claim 1, line 40, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "terminate", and insert --terminating--.
11. Claim 1, line 43, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "mount", insert --mounting--.
12. Claim 1, line 48, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "insert", insert --inserting--.
13. Claim 1, line 53, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "assemble", and insert --assembling--.
14. Claim 1, line 56, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "apply", and insert --applying--.
15. Claim 1, line 57, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "tighten", insert --tightening--.
16. Claim 1, line 61, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "mount", insert --mounting--.
17. Claim 1, line 65, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "apply", insert --applying--.

18. Claim 1, line 67, it is unclear what step or action is performed by the phrase "outline". It is suggested that applicant delete the word "apply", insert --applying--.

19. Appropriate correction is required. In all of these cases, the amendments are suggested in order to utilize a uniform the grammar in the claims.

Claim Rejections - 35 USC § 112

20. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

21. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

22. Claim 1 recites the limitation "the driver chambers" in line 15. There is insufficient antecedent basis for this limitation in the claim. It is suggested that before the phrase "driver chambers", applicant should delete --the--.

23. Claim 1 recites the limitation "select *the* number" in line 17. There is insufficient antecedent basis for this limitation in the claim. It is suggest that applicant delete "select the number", insert --selecting a number of--.

24. Claim 1 recites the limitation "the desired volume" in line 18. There is insufficient antecedent basis for this limitation in the claim. It is suggest that before "desired", delete "the", insert --a--.
25. Claim 1, line 25, recites "between space apart said external opposing base templates". It is unclear what is intended by "space apart" and appears that "spaced" was intended. It is suggested that applicant delete "space", insert --spaced--.
26. Claim 1 recites the limitation "outline circumferential edges" in line 27. There is insufficient antecedent basis for this limitation in the claim. It is suggested that applicant delete "outline", insert --outlining the--.
27. Claim 1 recites the limitation "the supporting crossover network" in lines 37-38. There is insufficient antecedent basis for this limitation in the claim. It is suggest that applicant amend the claims so that after "characteristics of", delete "the", insert --a--.
28. Claim 1, recites the limitation "fabricate crossover network" in line 39. There is improper antecedent basis because the element "crossover network" was first introduced in line 37. It is suggest that applicant delete "fabricate", insert --fabricating said--.
29. Claim 1 recites the limitation "apply adhesive" in line 50. There is insufficient antecedent basis for this limitation in the claim. It is suggest that applicant amend the claims by deleting the word "apply", and inserting --applying an--.
30. Claim 1 recites the limitation "said drivers" in line 67. There is insufficient antecedent basis for this limitation in the claim. It is suggest that applicant amend the claims by inserting --speaker-- before "drivers".

Allowable Subject Matter

31. Claims 1-2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

32. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does suggest many of the individual steps. For example, the prior art does suggest manufacturing an enclosure for a preselected set of speaker drivers, said enclosure having any preselected external shape and including internal cavities and channels formed to enhance the ability of the drivers to reproduce sound with preselected characteristics. Goldslager (either US Patent 6,763,117 B2 or US 2003/0063766 A1) suggests manufacturing such items by utilizing a "plurality of cavity forming layers" which are equivalent to the selected layers. These selected layers are developed from machining patterns (see columns 7-9 of US Patent 6,763,117, especially column 9, lines 10-23) which can be considered equivalent to the claimed base templates. In columns 7-8, Goldslager discloses the design of the walls of the selected layers in terminology that is analogous to the design of the base templates in the claims. Additional, Goldslager recites manufacturing crossover networks (items 47 and 67). However, there is a critical difference between Goldslager and the claims - Goldslager, while disclosing machining patterns, i.e., base templates, does not suggest some of the substeps, such as the step of outlining circumferential edges of internal supports to strengthen and stabilize the enclosure, the placement of the internal supports being selected whereby the drivers may be fully inserted within the enclosure.

Goldslager also does not disclose the technique for attaching the layers together, and does not suggest the combination of both rods and adhesives as the layer joining mechanism.

Monson (US Patent 5,900,594) discloses some of the deficiencies in Goldslager, for example, bonding the layers by glue (see column 2, lines 50-61). However, there is no suggestion of any of the base template design steps (outline circumferences, guide holes, etc) or the use of reinforcing rods along with adhesive bonding.


Conclusion

33. Several unsuccessful telephone calls were made to John Halamka in order to resolve the above issues by Examiner's Amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
Patent Examiner
Art Unit 1734

GRK
10/18/2004